

Miriam Lens

To: Miriam Lens
Subject: S. Hayward BART/Mission Boulevard Form-based Code

From: David Rizk

Sent: Monday, September 26, 2011 9:37 AM

To: [REDACTED]

Cc: Fran David; Kelly Morariu; Michael Sweeney; Barbara Halliday; Olden Henson; Marvin Peixoto; Mark Salinas; Francisco Zermeno - Forward; Francisco Zermeno; [REDACTED] Bill Quirk

Subject: FW: S. Hayward BART/Mission Boulevard Form-based Code

Ms Benz:

Thank you for your response to the notice for this Tuesday's City Council hearing. To clarify, the recommendations by staff would primarily impact future uses. Based on staff's recommendation that will be presented to the City Council on Tuesday, the three uses you identify below would not be impacted, or be minimally impacted, as follows:

- Food Source which sells alcohol – **Staff's recommendations would not impact the *Food Source* store at all, in that it is more than 10,000 square feet in area and, like most grocery stores, limits the area for alcohol sales to a small percent of the store's area.**
- Cigarette Leader which sells tobacco products – **Staff's recommendations would result in this establishment becoming a non-conforming use, which means the use could continue in its current configuration, but could not be expanded in area or intensity.**
- C&C Check Cashing that provides services for check cashing and loans – **Like the tobacco shop, staff's recommendations would result in this establishment becoming a non-conforming use, which means the use could continue in its current configuration, but could not be expanded in area or intensity.**

Also, because the item was continued by the Council on September 13 to a specific date (September 27), the typical minimum 10-day legal notification is not required, and staff issued the courtesy notices as soon as it was feasible to do so. Should you have any questions, please do not hesitate to contact me. Thank you.

David Rizk, AICP
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----- Original Message -----

From: [REDACTED]
To: Michael.Sweeney@hayward-ca.gov
Cc: Barbara.Halliday@hayward-ca.gov, [REDACTED]@hayward-ca.gov, Olden.Henson@hayward-ca.gov, mark.salinas@hayward-ca.gov
Sent: Fri Sep 23 05:34:39 UTC 2011
Subject: S. Hayward BART/Mission Boulevard Form-based Code

Dear Mayor Sweeney and City Council Members,

Our company is the property management firm for Mission Plaza which lies within the area of the proposed zoning change. We are very concerned about this matter.

Currently, Mission Plaza has the following tenants who would be effected:

- Food Source which sells alcohol
- Cigarette Leader which sells tobacco products
- C&C Check Cashing that provides services for check cashing and loans.

All of these tenants operate clean, lawful and respectable businesses. They have been in tenancy for many years and provide important services to the surrounding community. A change in the code that would be a detriment to Mission Plaza and to the neighborhood. We speak for ourselves, our tenants and the property owner (EP&G Properties No.6, LLC) in strong opposition to the adoption of the code which prohibits these uses.

I also object to the short notice for this meeting. The date of mailing was September 21st and it was received in our office on September 23rd, hardly enough time to notify our tenants, most of whom have corporate offices not in this area. There is not ample time for them to respond to the proposal and I strongly urge the Council to extend the time for public input.

Respectfully submitted,

Sherry Benz, Property Supervisor

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]